



Order Filed on August 13, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b)	
827207 PHELAN HALLINAN DIAMOND & JONES, PC 1617 JFK Boulevard, Suite 1400 Philadelphia, PA 19103 856-813-5500 Attorneys for WELLS FARGO BANK, N.A.	
In Re:	
JANETH HERNANDEZ	
Debtor(s)	

Case No.: 19-22655 - RG

Hearing Date: 08/07/2019

Judge: ROSEMARY GAMBARDELLA

Chapter: 13

Recommended Local Form: ☐ Followed ☒ Modified

**ORDER VACATING STAY PURSUANT TO 11 U.S.C. §362(D)(4) AND RELIEF FROM
CO-DEBTOR STAY PURSUANT TO 11 USC SECTION 1301 (C), GRANTING MOVANT
WELLS FARGO BANK, N.A. IN REM RELIEF FROM THE AUTOMATIC STAY TO
PREVENT FUTURE BANKRUPTCY FILINGS BY THE DEBTOR**

____ The relief set forth on the following page is hereby **ORDERED**.

DATED: August 13, 2019

Honorable Rosemary Gambardella
United States Bankruptcy Judge

Upon the motion of Phelan Hallinan Diamond & Jones, PC, attorneys for WELLS FARGO BANK, N.A., under Bankruptcy Code section 362(a) for relief from the automatic stay as to certain property as hereinafter set forth, and for cause shown, it is

AND NOW, it appearing to the Court that the requisite conditions for the issuance of such an Order exists, the Court hereby confirms via this Order, that In Rem Relief is granted to WELLS FARGO BANK, N.A. so that it may proceed with its State Court Remedies on the following real property:

☒ Real Property more fully described as:

406 FRANKLIN AVENUE, BELLEVILLE, NJ 07109 AKA 406
FRANKLIN AVE, BELLEVILLE, NJ 07109

ORDERED that the Automatic Stay of all proceedings, as provided under 362 of the Bankruptcy Code is modified with respect to premises 406 FRANKLIN AVENUE, BELLEVILLE, NJ 07109, as more fully set forth in the legal description attached to said mortgage, as to allow the Movant, its successors or assigns, to take any legal or consensual action for enforcement of its right to possession of, or title to, said premises; said actions include but are not limited to its State Court Rights and eviction proceedings; and it is further

☐ Personal property more fully described as:

ORDERED, that future bankruptcy cases filed by the Debtor JANETH HERNANDEZ, their successors or assigns, co-debtors, co-mortgagors, co-obligors, or any occupants, will not stay any actions taken by Movant, its successors, assigns, or any other purchaser or entity from proceeding with any legal or consensual actions necessary for enforcement of its right to possession of, or title to, said premises; and it is further

ORDERED, that the Movant may join the Debtor and any trustee appointed in this case as defendants in its actions irrespective of any conversion to any other chapter of the Bankruptcy Code; and it is further

ORDERED that the Office of the Clerk of ESSEX County is hereby directed to allow for the recording of this Order, and that this Order is effective for two (2) years from the date of entry, provided it is recorded as provided for by §362(d)(4).

It is further **ORDERED** that the co-debtor stay under 11 U.S.C. 1301 is vacated as to the co-debtor, STEPHEN RINCON, to permit WELLS FARGO BANK, N.A. to pursue its rights in the real property described above and as to the co-debtor, STEPHEN RINCON.

It is further **ORDERED** that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

The movant shall serve this order on the debtor, any trustee and any other party who entered an appearance on the motion.

rev. 7/12/16

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Janeth Hernandez
Debtor

Case No. 19-22655-RG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Aug 14, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 16, 2019.

db +Janeth Hernandez, 406 Franklin Ave, Belleville, NJ 07109-1503

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 16, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 14, 2019 at the address(es) listed below:

Jose R. Torres on behalf of Debtor Janeth Hernandez jrt@torreslegal.com,
notices@nextchapterbk.com
Kevin Gordon McDonald on behalf of Creditor Nationstar Mortgage LLC D/B/A Mr. Cooper
kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Nicholas V. Rogers on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5